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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,172

08/22/2003

Michael J. Ricks

50,736

1562

25212

7590

07/14/2006

DOW AGROSCIENCES LLC  
9330 ZIONSVILLE RD  
INDIANAPOLIS, IN 46268

EXAMINER

O SULLIVAN, PETER G

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Allowability

Application No.

10/647,172

Examiner

Peter G. O'Sullivan

Applicant(s)

RICKS ET AL.

Art Unit

1621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants' response filed 20 June 2005.
2. ☒ The allowed claim(s) is/are 1,3,4,6,7,9,10,12,13,15-17,19,20,22,23,25,26,28,29 and 31-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 06202005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
PETER O'SULLIVAN  
PRIMARY EXAMINER  
GROUP 1200

Art Unit: 1621

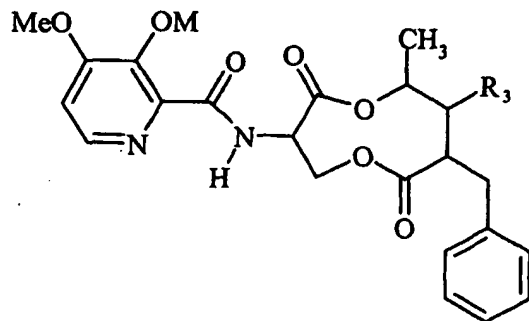
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Zettler on 26 June 2006.

The application has been amended as follows:

1. In claim 1, lines 1-55 (counting the given structure as one line) were deleted and the following inserted in lieu thereof:

A compound having the following formula



wherein  $R_3$  is selected from the group consisting of H,  $R_1$ ,  $OR_1$ ,  $OC(O)OR_1$  or

$OC(O)NR_1R_6$ , where  $R_1$  is selected from the group consisting of  $C_1$ - $C_6$  alkyl,

$C_2$ - $C_6$  alkenyl,  $C_2$ - $C_6$  alkynyl, or  $C_3$ - $C_6$  cycloalkyl, and where  $R_6$  is selected

from the group consisting of H,  $C_1$ - $C_6$  alkyl,  $C_3$ - $C_6$  cycloalkyl,  $C_2$ - $C_6$  alkenyl or

$C_2$ - $C_6$  alkynyl; and

wherein M is selected from the group consisting of [ H ],  $C(O)R_8$  or  $SO_2R_8$ ,

where  $R_8$  is selected from the group consisting of H,  $C_1$ - $C_6$  alkyl,  $C_2$ - $C_6$  alkenyl,

$C_2$ - $C_6$  alkynyl,  $C_3$ - $C_6$  cycloalkyl, alkoxyalkyl, haloalkyl, alkoxyalkenyl,

haloalkenyl, alkoxyalkynyl, haloalkynyl, substituted and unsubstituted arylalkyl, substituted and unsubstituted arylalkenyl, substituted and unsubstituted arylalkynyl, substituted and unsubstituted aryl, substituted and unsubstituted heteroaryl, C<sub>1</sub>-C<sub>6</sub> alkoxy, C<sub>3</sub>-C<sub>6</sub> cycloalkoxy, C<sub>1</sub>-C<sub>6</sub> haloalkoxy, C<sub>2</sub>-C<sub>6</sub> alkenyloxy, C<sub>2</sub>-C<sub>6</sub> haloalkenyloxy, C<sub>2</sub>-C<sub>6</sub> alkynyloxy, C<sub>2</sub>-C<sub>6</sub> haloalkynyloxy, C<sub>1</sub>-C<sub>6</sub> thioalkoxy, substituted and unsubstituted arylalkoxy, substituted and unsubstituted arylalkenyloxy, substituted and unsubstituted arylalkynyloxy, substituted and unsubstituted aryloxy, substituted and unsubstituted heteroaryloxy, amino unsubstituted or substituted with one or two C<sub>1</sub>-C<sub>6</sub> alkyl groups,

wherein alkyl, alkenyl, and alkynyl, include within their scope both straight and branched groups, the terms alkenyl, alkenylene are intended to include groups containing one or more double bonds, and the terms alkynyl, alkynylene are intended to include groups containing one or more triple bonds, cycloalkyl, refers to C<sub>3</sub>-C<sub>14</sub> cycloalkyl groups containing 0-3 heteroatoms and 0-2 unsaturations, the foregoing terms further contemplate either substituted or unsubstituted forms, unless specifically defined otherwise, a substituted form refers to substitution with one or more groups selected from halogen, hydroxy, cyano, nitro, aroyl, aryloxy, aryl, arylthio, heteroaryl, heteroaryloxy, heteroarylthio, C<sub>1</sub>-C<sub>6</sub> acyl, C<sub>1</sub>-C<sub>6</sub> haloalkyl, C<sub>1</sub>-C<sub>6</sub> alkoxy, C<sub>1</sub>-C<sub>6</sub> haloalkoxy, C<sub>1</sub>-C<sub>6</sub> alkylthio, C<sub>1</sub>-C<sub>6</sub> haloalkylthio, carboaryloxy, carboheteroaryloxy, C<sub>1</sub>-C<sub>6</sub> carboalkoxy or amido unsubstituted or substituted with one or two C<sub>1</sub>-C<sub>6</sub> alkyl groups,

wherein the term aryl refers to a substituted phenyl or naphthyl group, the term heteroaryl refers to any 5 or 6 membered aromatic ring containing one or more heteroatoms, these heteroaromatic rings may also be fused to other aromatic systems, the foregoing terms further contemplate either substituted or unsubstituted forms, a substituted form refers to substitution with one or more groups selected from nitro, C<sub>1</sub>-C<sub>6</sub> alkyl, C<sub>1</sub>-C<sub>6</sub> haloalkyl, C<sub>3</sub>-C<sub>6</sub> cycloalkyl, C<sub>2</sub>-C<sub>6</sub> alkenyl, C<sub>2</sub>-C<sub>6</sub> alkynyl, aryl, heteroaryl, halogen, hydroxy, C<sub>1</sub>-C<sub>6</sub> alkoxy, C<sub>1</sub>-C<sub>6</sub> haloalkoxy, C<sub>1</sub>-C<sub>6</sub> alkylthio, C<sub>1</sub>-C<sub>6</sub> alkylsulfonyl, C<sub>1</sub>-C<sub>6</sub> alkylsulfinyl, C<sub>1</sub>-C<sub>6</sub> OC(O)alkyl, OC(O)aryl, C<sub>3</sub>-C<sub>6</sub> OC(O)cycloalkyl, C<sub>1</sub>-C<sub>6</sub> NHC(O)alkyl, C<sub>3</sub>-C<sub>6</sub> NHC(O)cycloalkyl, NHC(O)aryl, NHC(O)heteroaryl, C<sub>3</sub>-C<sub>6</sub> cycloalkylthio, C<sub>3</sub>-C<sub>6</sub> cycloalkylsulfonyl, C<sub>3</sub>-C<sub>6</sub> cycloalkylsulfinyl, aryloxy, heteroaryloxy, heteroarylthio, heteroarylsulfinyl, heteroarylsulfonyl, arylthio, arylsulfinyl, arylsulfonyl, C(O)R<sub>y</sub>, C(NOR<sub>x</sub>)R<sub>y</sub> where R<sub>y</sub> and R<sub>x</sub> are independently H, C<sub>1</sub>-C<sub>6</sub> alkyl, C<sub>2</sub>-C<sub>6</sub> alkenyl, C<sub>3</sub>-C<sub>6</sub> cycloalkyl, aryl or heteroaryl in which any alkyl or cycloalkyl containing substituent may be substituted with one or more halogens, the terms halogen and halo include chlorine, bromine, fluorine and iodine, the term haloalkyl refers to groups substituted with one or more halogen atoms, the term alkoxy as used herein refers to a straight or branched chain alkoxy group, the term haloalkoxy refers to an alkoxy group substituted with one or more halogen atoms,

where R<sub>y</sub> is selected from the group consisting of C<sub>1</sub>-C<sub>6</sub> alkyl, C<sub>2</sub>-C<sub>6</sub> alkenyl, C<sub>3</sub>-C<sub>6</sub> alkynyl, C<sub>3</sub>-C<sub>6</sub> cycloalkyl, aryl, or heteroaryl.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter G. O'Sullivan whose telephone number is (571)272-0642. The examiner can normally be reached on M-F 8-5:30.

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**PETER O'SULLIVAN**  
**PRIMARY EXAMINER**  
**GROUP 1200**